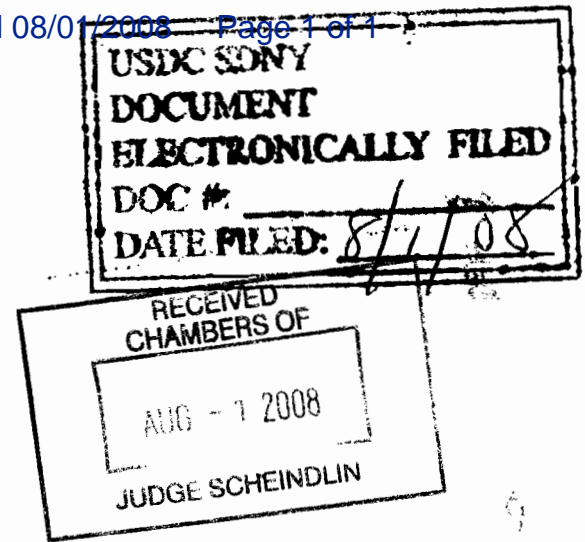


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**By Facsimile**

July 29, 2008

The Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

**RE: Eliot I. Bernstein, et al. v. Appellate Division First Department Departmental Disciplinary Committee, et al., No: 07Civ.11196 (SAS): Request For Leave to File a Sur-Reply.**


Dear Judge Scheindlin:

As a Co-Plaintiff in the above referenced matter, and as it relates to the Reply Memorandum of Defendants Lewis S. Meltzer and Meltzer Lippe Goldstein and Breitstone, LLP (collectively, "Meltzer Defendants"), I respectfully request this Court to grant my request and file the attached Sur-Reply.

That in many circumstances in their attempt to escape liability, the Meltzer Defendants raise new defenses and address new theories over and above their Motion to Dismiss.

As a result, Co-Plaintiff Lamont requests this leave to underscore the new arguments of the Meltzer Defendants that fail according to the attached Sur-Reply, along with leave to, at the discretion of Plaintiffs, Sur-Reply the Proskauer Defendants, the Foley Defendants, Defendant Raymond A. Joao, the State Defendants, the Florida Bar Defendants, and the Virginia Defendants.

Respectfully submitted,

  
P. Stephen Lamont

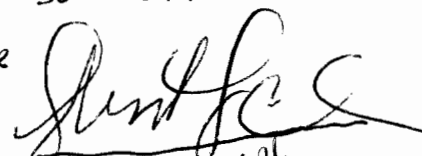
**SO ORDERED:**

**Honorable Shira A. Scheindlin  
United States District Judge**

*Plaintiffs request to file a  
sur-reply is denied.*

**SO ORDERED:**

*Dated: New York, New York  
August 1, 2008*

  
Shira A. Scheindlin  
U.S.D.J.